

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

IN RE METROPOLITAN SECURITIES
LITIGATION

No. CV-04-0025-FVS

ORDER GRANTING DEFENDANT
NESS'S MOTION TO DISMISS
CERTAIN CLAIMS

THIS MATTER comes before the Court on Defendant Ness's Motion to Dismiss Certain Claims in the Third Amended Complaint, Ct. Rec. 516. This Court has previously held that the Plaintiffs do not have standing to bring claims against Mr. Ness on the basis of any registration statement that he did not sign. Order Granting In Part and Denying In Part Defendants' Motions to Dismiss, Ct. Rec. 494, at 24. Mr. Ness moves to dismiss Count III of the complaint on the grounds that it is based on two registration statements that he did not sign. The Plaintiffs having no objection, and the motion being consistent with this Court's prior order,

IT IS HEREBY ORDERED:

1. Defendant Ness's Motion to Dismiss Certain Claims in the Third Amendment Complaint, **Ct. Rec. 516**, is **GRANTED**.

2. Count III of the Third Consolidated and Amended Complaint, Ct. Rec. 497, is **DISMISSED WITH PREJUDICE** as against Mr. Ness to the extent that it is based on the registration statements for Summit

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1 Investment Certificates, Series B, effective February 13, 2001 and
2 Summit Preferred Stock, Series R & T, effective February 13, 2001.

3 **IT IS SO ORDERED.** The District Court Executive is hereby
4 directed to enter this order and furnish copies to counsel.

5 **DATED** this 13th day of March, 2008.

6
7 s/ Fred Van Sickle
8 Fred Van Sickle
9 United States District Judge
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